

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION

UNITED STATES OF AMERICA :
vs. : CRIMINAL ACTION 09-00006-KD
MELISSA B. GRAY :

PRETRIAL CONFERENCE ORDER

A pretrial conference was held this date before the undersigned Judge. Present at this conference were Neil Hanley, counsel for Defendant; and Assistant U. S. Attorney Sean Costello, counsel for the Government.

At the pretrial conference, the undersigned Judge discussed with counsel Defendant's Unopposed Motion to Continue Trial filed on March 5, 2009 (Doc. 35). Counsel orally requested an additional 60 days. As grounds for that motion, defense counsel stated that limited discovery was tendered to Defendant at arraignment on February 5, 2009. At that time, computer images contained on Defendant's hard drives were in the custody of the Alabama Bureau of Investigation in Montgomery and were not received by the U. S. Attorney's Office until March 4, 2009. On March 5, 2009, Mr. Hanley received a number of internet chat sessions and reviewed the images at the U. S. Attorney's Office. Additional discovery is being printed for delivery to defense counsel. Defendant's Motion to Appoint an Expert (Doc. 19) was granted (Doc. 25) and Dr. Thomas S. Bennett is scheduled to see

Defendant for a psychological evaluation at the U. S. Marshal's lock-up in the Federal Courthouse on March 13, 2009 (see Docs. 29, 34), and the Government now plans to retain a rebuttal expert. Defendant's Motion to Suppress (Doc. 30), to which the Government has been ordered to respond by March 10, 2009, is set for oral argument on March 23, 2009, at 2:00 p.m. before Judge DuBose (Doc. 33). This motion is case dispositive. The Government has no objection to a continuance.

After consideration of the motion and after conferring with counsel at the pretrial conference, the Court is persuaded that the ends of justice outweigh the best interests of the public and Defendant in a speedy trial. Accordingly, the trial is hereby **CONTINUED** to the **June 2009 criminal term**, commencing with jury selection on **June 1, 2009, at 8:45 a.m.** Defendant filed a written waiver of her Speedy Trial Act rights on March 9, 2009 (Doc. 40) and will file another waiver to the June 2009 term not later than **Friday, March 13, 2009.**

The Clerk is **DIRECTED** to refer this action to Judge Cassady for his review and scheduling of another pretrial conference.

DONE this 9th day of March, 2009.

s/BERT W. MILLING, JR.
UNITED STATES MAGISTRATE JUDGE